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EXAMINER

HOUSHMAND, HOOMAN

ART UNIT

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2419

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03/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,891	Applicant(s) GUIVARCH ET AL.	
	Examiner Hooman Houshmand	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The limitation (claim 10, lines 15-18) *"a routing database for routing providing the information needed for routing the information between the actors in function of data provided by the traceability database and in function of the data base with the rights of access"* is confusing.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montanari (US 5478990 A), in view of Perkowski (US 5950173 A).

Claim 1. Montanari discloses an informatics system for an actor in a logistic chain of production or processing of food products, the system comprising:

(FIG. 1 types of Tracking Number labels used during a production process; FIG. 2 Production Information Number tag used for identifying products including date, time, product description, classification, lot identification, product code, bar code; 9:37- 10:27)

a creation means for creating document models based on heading modules and attribute modules for a document, said document models being comprised of at least one heading and at least one attribute for each heading, comprising an attribute database, at least one of the attributes being a link to another document,

(FIG. 5 transfer of a Tracking Number, a bar code reader is shown which reads the bar code information and transfers the information to a database; 13:1-11)

an acquisition means for acquiring the documents with interfaces for acquiring the values of the headings and attributes.

Montanari discloses (FIG. 1 Tracking Number labels used during a production process; FIG. 12 scanning and recording of Production Information shown with a database, FIG. 13 tracking the production process shown with a database; 15:6-16:27; databases are shown in figures 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17 which collect the information needed at each stage of the process).

Montanari does not explicitly disclose the combination of these limitations:
upon each acquisition of a document, a transmitting means for transmitting the information acquired from the links to a traceability data base, said transmitted information being preferably conducted via a communications network.

In the same field of endeavor, Perkowski teaches (10:53-12:35 FIG. 1, integration of information subsystems, sending and receiving documents, Web-based electronic document communications, Collaborative Replenishment Information Subsystem, information collection, FIGS. 2A1, 2A2, product information collection, transmission and delivery system central Database for storing and serving various types of consumer-product information to retailers and consumers) *transmitting information being conducted via a communications network.*

The combination of Perkowski with Montanari teaches *upon each acquisition of a document, a transmitting means for transmitting the information acquired from the links to a traceability data base, said transmitted information being preferably conducted via a communications network.*

It would have been obvious, to a person having ordinary skill in the art, at the time that the invention was made to combine the teachings of Perkowski with Montanari, thus modifying Montanari to include integration of information subsystems, to expedite access to information.

Claim 2. Montanari further discloses (17:48-67 fabricator searches the computer database which includes identification of all the information) *an assignment means for assigning to each attribute a right of access to third parties.*

Claim 3. Montanari further discloses (17:48-67 consumer contacts a retailer with a R-TN identification, the retailer contacts the fabricator which searches the computer

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database which includes all the information) *an assignment means to assign a right of access to third parties, the right to read.*

Claim 4. Montanari further discloses (FIG. 1 Tracking Number labels used during a production process) *assignment means to each attribute a traceability index so that the attribute constitutes a point of entry for a traceability search for another actor.*

Claim 5. Montanari further discloses (FIG. 2 Production Information Number tag used for identifying products including date, time, product description, classification, lot identification, product code, bar code) *assignment means to assign to each attribute a search criterion characteristic.*

Claim 6. Montanari further discloses (17:48-67 fabricator searches computer database including identification of all the information) *the means to issue a search request based on at least one traceability index and on at least one search attribute.*

Claim 7. Montanari further discloses (FIG. 2 Production Information Number tag used for identifying products including date, time, product description, classification, lot identification, product code, bar code – these attributes will have a particular format in a computer system) *an assignment means to assign to each attribute a parameter format.*

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Claim 8. Montanari further discloses (FIG. 2 Production Information Number tag used for identifying products including date, time, product description, classification, lot identification, product code, bar code; FIG. 5 bar code reader— which is directly acquiring information) *means to make the attribute be simple attributes determined by direct acquisition.*

Claim 9. Montanari further discloses (FIG. 2 Production Information Number tag used for identifying products including date, time, product description, classification, lot identification, product code, bar code; 9:37- 10:27) *the means to receive specification sheets consisting in the identifiers of products to be used, and (FIG. 1 Tracking labels used during a production process) comprising the means to verify that the operations committed to memory with the aid of said informatics system are in compliance with the specification sheets.*

Claim 10. Montanari further discloses (FIG. 12 scanning and recording of Production Information shown with a database, FIG. 13 tracking the production process shown with a database; 15:6-16:27) *a traceability database with traceability intended to receive attributes from informatics equipment from each actor in the logistic chain, attributes comprising the identifier of an operation to be conducted, the identifier of the operator, information pertaining to the date the operation was conducted (FIG. 2 Production Information Number tag used for identifying products including date, time, product description, classification, lot identification, product code, bar code; 9:37- 10:27) and the*

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identifier of an operation to be conducted immediately upstream and/or downstream of the concerned actor,

an access database for storing the rights of access of each actor to the information stored in the databases specific to other actors (17:48-67 fabricator searches the

computer database which includes identification of all the information), and

a routing database for routing providing the information needed for routing the

information between the actors in function of data provided by the traceability database

and in function of the data base with the rights of access (databases are shown in

figures 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17 which collect the information needed at

each stage of the process; 17:48-67 fabricator searches the computer database which includes identification of all the information).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hooman Houshmand whose telephone number is (571)270-1817. The examiner can normally be reached on Monday - Friday 8am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. H./
Examiner, Art Unit 2419

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2419